

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 112609
ORIGIN EUR-12

INFO OCT-01 ISO-00 /013 R

66011

DRAFTED BY: EUR: RPE: PMCLEAN:CC

APPROVED BY: EUR/RPE: PMCLEAN

-----171232Z 038372 /45

R 170125Z MAY 77

FM SECSTATE WASHDC

TO USMISSION OECD PARIS

LIMITED OFFICIAL USE STATE 112609

FOLLOWING REPEAT MTN GENEVA 3680 ACTION SECSTATE INFO OTTAWA
EC BRUSSELS MAY 12.

QUOTE LIMITED OFFICIAL USE MTN GENEVA 3680

ACTION STR

H PASS CODEL

STR PASS POMERANZ

E.O. 11652: NA

TAGS: ETRD MTN

SUBJ: EC REACTION TO CANADIAN GOVERNMENT PROCUREMENT DRAFT

REF: A. STATE 86798, B. USEC BRUSSELS 4588

1. SUMMARY: EC GOVERNMENT PROCUREMENT SPOKESMAN DERIS-
BOURG CALLED ON MTN DEL TO OFFER EC REACTION TO CANA-
DIAN DRAFT GOVERNMENT PROCUREMENT PAPER. EC POSITION
IS THAT THERE WERE BOTH POSITIVE AND NEGATIVE ASPECTS
ABOUT THE CANADIAN DRAFT. WHILE THE EC BELIEVES THAT
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 112609

IT IS TOO EARLY TO TABLE THE INITIATIVE, THE "POSITIVE"
ASPECTS COULD BE INCORPORATED IN OUR WORK. IN REGARD
TO HOW TO PROCEED, DERISBOURG SUGGESTED A HIGH LEVEL
MEETING TO PLOT MTN STRATEGY TO BE FOLLOWED BY EXPERT
LEVEL MEETING ON GOVERNMENT PROCUREMENT BEFORE SUMMER
BREAK. END SUMMARY.

2. DERISBOURG WAS IN GENEVA TO GIVE US AND CANADA EC REACTIONS TO CANADIAN DRAFT GOVERNMENT PROCUREMENT PAPER. HE INDICATED THAT THESE COMMENTS WERE COMPILED IN CONSULTATION WITH THE MEMBER STATES. DERISBOURG STATED THAT THERE WERE BOTH POSITIVE AND NEGATIVE ELEMENTS IN THE CANADIAN DRAFT. HE INDICATED THAT THE POSITIVE ELEMENTS WERE 1) DISPUTE SETTLEMENT; 2) TENDERING PROCEDURES AND 3) THE PROVISIONS FOR TECHNICAL SPECIFICATIONS. WITH REGARD TO THE DISPUTE SETTLEMENT SECTION, DERISBOURG INDICATED THAT HE COULD SEE SOME CONVERGENCE BETWEEN THE US AND EC APPROACHES, AND THE CANADIAN DRAFT OFFERED A POSSIBLE COMPROMISE. AS TO TENDERING PROCEDURES, DERISBOURG FELT THAT THE DRAFT CANADIAN LANGUAGE WAS "MORE DETAILED AND PRECISE" THAN THE OECD DRAFT AND THEREFORE WAS A SIGNIFICANT IMPROVEMENT. FINALLY, THE SECTION ON TECHNICAL SPECIFICATIONS COULD BE A USEFUL TIE-IN TO THE DRAFT STANDARDS CODE.

3. ON THE NEGATIVE SIDE, DERISBOURG NOTED THAT HE DID NOT LIKE THE SPECIFIC REFERENCES TO GATT ARTICLES 1 AND 3 IN THE NON-DISCRIMINATION SECTION OF THE PAPER. HE NOTED THAT 1) SUCH SPECIFIC REFERENCE TO THE GATT CAUSED PROBLEMS IN AGREEMENTS SUCH AS EFTA AND THE COMMON MARKET WHICH THEY HAD NOT YET WORKED OUT, AND 2) THIS WOULD CAUSE PROBLEMS IN THEIR AGREEMENTS WITH EASTERN EUROPEAN COUNTRIES. FURTHER, THE EC FEELS SUCH CODES SHOULD BE SELF-CONTAINED AND BE ABLE TO STAND ALONE. AS EXPECTED, DERISBOURG ALSO HAD DIFFICULTY WITH LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 112609

TIES WITH THE DETAILED PROVISIONS IN THE CANADIAN DRAFT FOR EX-POST PUBLICITY. SPECIFICALLY, DERISBOURG NOTED THAT THIS SECTION MOVED AWAY FROM THE SORT OF COMPROMISE THAT HAD BEEN DISCUSSED BILATERALLY WITH THE US AND WAS A STEP BACKWARDS FROM REACHING AGREEMENT. HE REITERATED THAT THE EC HAD COME AROUND TO ACCEPTANCE OF DISSEMINATION OF EX-POST INFORMATION TO OTHER SIGNATORIES OF A CODE, BUT COULD NOT ACCEPT SUCH DETAILED PUBLICATION OBLIGATIONS AS IN THE CANADIAN DRAFT. HE DESCRIBED HIS OTHER NEGATIVE COMMENTS ON THE CANADIAN DRAFT AS MINOR AND SUBJECT TO POTENTIAL COMPROMISE. FOR EXAMPLE, HE NOTED DIFFICULTIES WITH THE LIST OF ENTITIES TO BE COVERED BY THE CANADIAN DRAFT, THE NEW "BEST EFFORTS" LANGUAGE, AND THE NEW LIST OF SINGLE TENDERING PROCEDURES. DERISBOURG ALSO NOTED THE ABSENCE OF ANY S&D PROVISIONS AND A SAFEGUARD CLAUSE OR TEMPORARY DEROGATION PROCEDURES. HE STATED THAT THE EC WOULD NEED SUCH DEROGATION FOR AREAS SUCH AS BERLIN AND THE MIZZOGIORNO REGION OF ITALY.

4. AS A TACTICAL MATTER, DERISBOURG SAID HE TOLD THE CANADIANS THAT THE EC DOES NOT FAVOR TABLING OF THEIR PAPER BEFORE THE JUNE MTN GOVERNMENT PROCUREMENT MEETING. HE WOULD PREFER, INSTEAD, TO HAVE A SERIES OF BILATERAL DISCUSSIONS OF THE ISSUES RAISED IN THE CANADIAN DRAFT, TRY TO WORK OUT AREAS OF COMPROMISE AND AVOID DIRECT "DEVELOPED COUNTRY" CONFRONTATION IN THE MTN MEETING. HE FEELS THAT IF THE PAPER IS TABLED TOO EARLY THERE WOULD BE LESS CHANCE OF REACHING COMPROMISES AND PROGRESS IN THE GOVERNMENT PROCUREMENT NEGOTIATIONS WOULD BE IMPEDED. DERISBOURG DID INDICATE THAT IF THE CANADIANS FELT THEY HAD TO TABLE SOMETHING PRIOR TO THE JUNE MEETING, HE WOULD NOT OBJECT TO HAVING THEIR DISPUTE SETTLEMENT SECTIONS TABLED. HE CONCLUDED BY STATING THAT HE IS UNWILLING TO AGREE THAT THE EC COULD USE THE CANADIAN DRAFT AS A BASIS FOR NEGOTIATIONS, BUT FEELS LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 STATE 112609

THAT A NEGOTIATING DOCUMENT COULD BE DEVELOPED THAT UTILIZES ELEMENTS OF BOTH THE OECD DRAFT CODE AND RELEVANT MODIFIED CANADIAN SECTION.

5. MTN DEL (NEWKIRK) INDICATED THAT THE US FELT THE GOVERNMENT PROCUREMENT NEGOTIATIONS WERE SOMEWHAT STALLED, AND THAT THE JAPANESE AND CANADIAN CONTENTION THAT THEY HAD NO COMMITMENT TO THE WORK DONE IN THE OECD WAS NOT HELPFUL. ACCORDINGLY, OUR PRIMARY OBJECTIVE AT THIS TIME IS TO AGREE ON A NEGOTIATING DOCUMENT WHICH WILL ALLOW US TO MOVE THE NEGOTIATIONS ALONG. MTN DEL INDICATED THAT THE US WAS FLEXIBLE AND WOULD CONSIDER ANY DOCUMENT THAT WILL RESULT IN PROGRESS IN THE NEGOTIATIONS. TO AVOID POSSIBLE MISUNDERSTANDING, MTN DEL THEN GAVE EC A SUMMARY OF US COMMENTS ON CANADIAN DRAFT PER REF A.

6. WITH REGARD TO THE JUNE SUBGROUP MEETING, THE EC SEES IT AS ESSENTIALLY AN EDUCATIONAL MEETING FOR LDCS AND ANTICIPATES LITTLE SUBSTANTIVE PROGRESS. DERISBOURG SEES THE FIRST STEP IN MOVING GOVERNMENT PROCUREMENT NEGOTIATIONS ALONG TO BE CONSULTATIONS AT A HIGH LEVEL TO DEVELOP A GENERAL STRATEGY FOR THE NEGOTIATIONS, FOLLOWED BY MEETINGS AT THE TECHNICAL OR EXPERT LEVEL. HE NOTED THAT AT THIS SECOND STAGE MEETING, THE EC WOULD BE ABLE TO INFORMALLY SHOW THE US SOME OF THEIR DRAFTS ON "COMPROMISES" FOR DISPUTED ISSUES. HE SAID THESE DRAFTS ARE "NOT YET READY" TO BE DISCUSSED WITH US BUT THAT THEY REPRESENT GENUINE COMPROMISES THAT MOVE TOWARDS THE US POSITION. HE DOES INTEND TO DISCUSS THESE DRAFTS WITH THE US PRIOR TO GOING TO THE MEMBER STATES WITH THE COMMISSION POSI-

TION. DERISBOURG CONFIRMED STATEMENT REF B THAT MEMBER
STATE PRESSURE FOR OECD MEETING HAD DECLINED.

7. IN A PARTING SHOT, THE EC REPRESENTATIVES MENTIONED
THE APPARENT CONTRADICTIONS IN US POSITIONS BY NOTING
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 05 STATE 112609

THE "BUY AMERICA PROVISIONS" OF HR 11, THE PUBLIC
WORKS BILL, AND ALSO CITING CERTAIN NEW COAST GUARD
REGULATIONS WHICH WOULD REQUIRE BUYING AMERICAN PRODUCTS.
WALKER UNQUOTE CHRISTOPHER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, DOCUMENTS, GOVERNMENT PROCUREMENT, REGIONAL ORGANIZATIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 17-May-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE112609
Document Source: CORE
Document Unique ID: 00
Drafter: EUR: RPE: PMCLEAN:CC
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770174-1208
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770548/aaaabpcd.tel
Line Count: 185
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 37256e91-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 STATE 86798
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 27-Dec-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2483789
Secure: OPEN
Status: NATIVE
Subject: EC REACTION TO CANADIAN GOVERNMENT PROCUREMENT DRAFT
TAGS: ETRD, CA, MTN, EEC
To: OECD PARIS
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/37256e91-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009